IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 21310 of 2006(J)

PETITIONER:

C.P. ABOOBACKER, S/O. LATE SEEDU,
AGED 46 YEARS, CHETTYTHODY HOUSE, POOVATHUMKUZHY,
NELLAYA P.O., PATTAMBI, PALAKKAD DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,
   GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, PALAKKAD DISTRICT.

3. **THE ASST. EXECUTIVE ENGINEER,**
   DISTRICT RURAL DEVELOPMENT AGENCY,
   PALAKKAD DISTRICT.

4. **THE BLOCK DEVELOPMENT OFFICER,**
   BLOCK DEVELOPMENT OFFICE, PATTAMBI BLOCK,
   PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SRI.MANOJ KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, ALONG WITH WP(C) NO.21325/2006 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.21310/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER G.O.(Rt) 1612/03/RD ISSUED BY THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE PUBLIC NOTICE NO.A2-601/04 PUBLISHED BY THE 4TH RESPONDENT.

EXT.P3:- COPY OF THE AGREEMENT NO.141/04-05 EXECUTED BETWEEN THE PETITIONER AND THE 4TH RESPONDENT WITH DETAILED ESTIMATE.

EXT.P4:- COPY OF THE BILL WITH THE CIERTIFICATE AND ORDERS SUBMITTED BY THE PETITIONER.

EXT.P5:- COPY OF THE LETTER NO.A2-613/05 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P6:- COPY OF THE PROCEEDINGS NO./J7-2005/19044/9 OF THE DISTRICT COLLECTOR , PALAKKAD.

/TRUE COPY/

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KURIAN JOSEPH, J.

W.P(C)Nos.21310, 21325, 21334, 22119, 22180, 22189, 22190, 22234, 23896, 23936, 23948, 24386, 24399, 24806, 24817, 24403 24848 and 24865 of 2006

Dated this the 14th day of March, 2007

JUDGMENT

Petitioners in these cases are aggrieved since they are not paid the bill amounts for the works executed by them. In the counter affidavit it is stated that Ext.P5 letter was issued based on the direction in Ext.P6 government order since it was found that the work itself was awarded based on a bogus government order. Learned Government Pleader submits that the Vigilance is seized of the matter. However, it is stated in the counter affidavit that it is a fact that the work has been completed satisfactorily and the general public is using the roads. The learned Government Pleader submits that only subject to the enquiry by the Vigilance any payment can be made.

In the above circumstances these writ petitions are disposed of with a direction to the Government to take steps to complete the Vigilance enquiry in the matter within a period of four months from the date of production of a copy of this judgment. Based on the outcome

of the enquiry appropriate action in accordance with law in the matter of settlement of the amounts, if any, due to the petitioners shall be taken within another one month.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

W.P(C)Nos.21310,21325,21334, 22119, 22180, 22189, 22190, 22234, 23896, 23936, 23948, 24386, 24399, 24806, 24817, 24848 and 24865 of 2006

JUDGMENT

14th March, 2007